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10 *Lead Counsel for Indirect*  
11 *Purchaser Class*

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION

15 IN RE OPTICAL DISK DRIVE PRODUCTS  
16 ANTITRUST LITIGATION

No. 3:10-md-2143 RS (JCS)

17 DECLARATION OF JEFF D.  
18 FRIEDMAN IN OPPOSITION TO  
19 DEFENDANTS' JOINT MOTIONS TO  
20 STRIKE THE TESTIMONY OF DR.  
KENNETH FLAMM AND EXCLUDE  
CERTAIN TESTIMONY OF DR. LUIS  
CABRAL

21 Date: September 26, 2017  
22 Time: 1:30 pm  
23 Judge: Hon. Richard G. Seeborg  
Court: Courtroom 3, 17th Floor

24 DATE ACTION FILED: Oct. 27, 2009

25 This Document Relates to:  
26 ALL INDIRECT PURCHASER ACTIONS

27 **REDACTED VERSION**  
28

1 I, JEFF D. FRIEDMAN, declare as follows:

2 1. I am an attorney duly licensed to practice before all of the courts of the State of  
3 California in the above-entitled litigation. I am a partner with the law firm of Hagens Berman Sobol  
4 Shapiro LLP, counsel of record for the indirect purchaser plaintiffs in the above-entitled action.  
5 Based on personal knowledge or discussions with counsel in my firm of the matters stated herein, if  
6 called upon, I could and would competently testify thereto.

7 2. Attached hereto are true and correct copy of the following exhibits:

8 Exhibit A: Excerpts from the Transcript of Trial Proceedings, *In Re: Urethane Antitrust*  
9 *Litig.*, No 04-1616 (D. Kan.), dated January 31, 2013;

10 Exhibit B: Excerpts from the Certified Deposition Transcript of Luis Cabral, Ph.D., taken  
11 in the above-captioned litigation on March 21, 2017, by court reporter Kathy  
12 S. Klepfer, Registered Merit Reporter and Notary Public within and for the  
13 State of New York;

14 Exhibit C: Excerpts from the Updated Expert Report of Edward A. Snyder, Ph.D., dated  
15 April 21, 2017, served by defendants in the above-captioned litigation;

16 Exhibit D: Document Bates-numbered HLDS\_CIV0034534-38, produced in the above-  
17 captioned litigation and designated "CONFIDENTIAL" by the HLDS  
18 defendants, as well as a Certified Translation of the document. Marked as  
19 Exhibits 596 and 596A at depositions in this litigation;

20 Exhibit E: Excerpts from the Expert Report of Dr. Kenneth Flamm, dated February 1,  
21 2017, served by indirect purchaser plaintiffs the above-captioned litigation;

22 Exhibit F: Excerpts from the Certified Deposition Transcript of Edward A. Snyder, taken  
23 in the above-captioned litigation on May 3, 2017, by court reporter Patricia A.  
24 Bidonde, Notary Public within and for the State of New York;

25 Exhibit G: Excerpts from the Certified Deposition Transcript of Kevin M. Murphy,  
26 Ph.D., taken in the above-captioned litigation on May 3, 2017, by court  
27 reporter Janet L. Robbins, CSR No. 84-2207;

28 Exhibit H: Document Bates-numbered HLDS\_CIV2399848, produced in the above-  
captioned litigation by the HLDS defendants, as well as a Certified Translation  
of the document. Marked as Exhibits 97 and 97A at depositions in this  
litigation;

Exhibit I: Document Bates-numbered TSSTK-0194621-22, produced in the above-  
captioned litigation and designated "CONFIDENTIAL – RESTRICTED" by  
the Toshiba defendants, as well as a Certified Translation of the document.  
Marked as Exhibits 1807 and 1807A at depositions in this litigation;

- 1 Exhibit J: Excerpts from the Expert Report of Kevin M. Murphy, dated April 3, 2017,  
2 served by defendants in the above-captioned litigation;
- 3 Exhibit K: Excerpts from the [Corrected] Expert Report of Dr. Andres V. Lerner, dated  
4 April 3, 2017, served by defendants in the above-captioned litigation;
- 5 Exhibit L: Excerpts from the Certified Deposition Transcript of Kenneth Flamm, Ph.D.,  
6 taken in the above-captioned litigation on March 24, 2017, by court reporter  
7 Tamara Chapman, CSR No. 7248;
- 8 Exhibit M: Excerpts from ABA Section of Antitrust Law, Proving Antitrust Damages:  
9 Legal and Economic Issues (2d Ed. 2010);
- 10 Exhibit N: Excerpts from the Certified Deposition Transcript of Janusz A. Ordoover,  
11 Ph.D., taken in the above-captioned litigation on September 9, 2015, by court  
12 reporter Jennifer Wielage, License No. 30X100191600;
- 13 Exhibit O: Article: “How Government Statistics Adjust for Potential Biases from Quality  
14 Change and New Goods in an Age of Digital Technologies: A View from the  
15 Trenches”;
- 16 Exhibit P: Article: “Hedonic Models in the Producer Price Index (PPI),” dated June  
17 2011;
- 18 Exhibit Q: Excerpts from the Transcript of Proceedings, *In Re: TFT-LCD (Flat-Panel)*  
19 *Antitrust Litigation*, Case No. 07-md-1827 (SI) (N.D. Cal.), dated August 20,  
20 2013;
- 21 Exhibit R: Excerpts from the Certified Deposition Transcript of Lanay Cerilli, taken in  
22 the above-captioned litigation on January 18, 2017, by court reporter Nikki  
23 Roy, CSR No. 3052;
- 24 Exhibit S: Excerpts from the Certified Deposition Transcript of Ellen Chen, taken in the  
25 above-captioned litigation on January 11, 2017, by court reporter Cynthia  
26 Manning, CSR No. 7645; and
- 27 Exhibit T: Excerpts from the Certified Deposition Transcript of Andres V. Lerner, Ph.D.,  
28 taken in the above-captioned litigation on May 8, 2017, by court reporter  
Kristi Caruthers, CSR No. 10560.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 21st day of August, 2017 at Berkeley, California.

\_\_\_\_\_  
Jeff D. Friedman  
JEFF D. FRIEDMAN